

Case No.: A-9996-C

Applicant: Brandywine Investment

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 1 - 2009

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9996-C (Chaddsford 8) was filed for approximately 20.28 acres of land in the E-I-A, L-A-C and R-M zones, located in the northwest quadrant of the intersection of US 301 and Chaddsford Drive, Brandywine, Maryland, to rezone the property to the L-A-C Zone, and approve a new basic plan; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined, based on consideration of the entire record, that the subject property should be rezoned to the L-A-C Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plan for Application No. A-9996-C is hereby approved, subject to the following conditions and considerations:

1. Land Use Types and Quantities:

162–245 single-family attached and two-family attached (two-over-two) dwelling units
Open space
Homeowner Recreation Facilities
Trails

Single-family attached and two-family attached (two-over-two) dwelling units are based and conditioned on the following density breakdown:

GROSS TRACT:	20.28 acres
FLOODPLAIN:	0.82 acre
NET TRACT AREA:	19.46 acres

Base Density 20.28 at 8.0 du/acre:	162 units
Maximum Density 20.28 at 12.1 du/acre	245 units

2. At the time of comprehensive design plan, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V Master Plan.

3. At the time of comprehensive design plan and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:

a. US 301/MD 5 and Matapeake Business Drive/Clymer Drive

(signalized)

- b. US 301/MD 5 and Chaddsford Drive (signalized)
 - c. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - d. Chaddsford Drive and General Lafayette Boulevard (unsignalized)
4. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chaddsford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.
5. Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.
6. At time of comprehensive design plan ("CDP"), the applicant shall:
- a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.
 - b. Provide an analysis of maximum density allowed per dwelling unit/acre and the proposed du/acre for the L-A-C Zone.
 - c. Provide pedestrian connectivity to the proposed L-A-C Zone commercial area.
 - d. Provide a valid stormwater management concept approval letter and plan.

Considerations:

1. The applicant, the applicant's heirs, successors and/or assignees shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.
2. At the time of CDP the plan should be modified to move access along Chaddsford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If the Environmental Planning Section of the Maryland-National Capital Park and Planning Commission determines that placement of the access at that location is not possible due to environmental features, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.

SECTION 2. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property which is the subject of Application No. A-9996-C from the E-I-A, L-A-C and R-M zones to the L-A-C Zone.

SECTION 3. This Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become final and effective when the applicant accepts in writing the conditions in Section 1.

Enacted this 12th day of January, 2009, for initial approval, by the following vote:

In Favor: Council Members Bland, Campos, Dean, Exum, Harrison, Knotts

Olson and Turner.

Opposed:

Abstained:

Absent: Council Member Dernoga

Vote: 8-0

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL
FOR THAT PART OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN
PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: A-9996-C

Applicant: Brandywine Investment

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9996-C, to rezone the subject property from the E-I-A, L-A-C, and R-M zones to the L-A-C Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9996-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to

revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective April 9, 2009 the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council